

NEWS RELEASE

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SOUTHERN DISTRICT OF ILLINOIS*

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For Immediate Release

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Ronald J. Tenpas, United States Attorney for the Southern District of Illinois, announced today that on June 14, 2004, **Mark Johnston**, age 47, of Fenton, Missouri, pled guilty to an information filed in the United States District Court for the Southern District of Illinois, East St. Louis, Illinois charging the federal offense of Theft or Embezzlement from an Employee Benefit Plan, in violation of Title 18, United States Code, Section 664. Defendant faces a maximum statutory penalty of five (5) years' imprisonment and a fine of up to \$250,000.00. The Information charges that Johnston converted assets of the Total Process Corporation of Red Bud, Illinois, 401(k) plan to his own use by failing to forward employee contributions and loan payments as required by the Employee Retirement Income Security Act of 1974 (ERISA).

Johnston is the owner and president of Total Process Corporation, and also served as the trustee for the company's 401(k) plan. Approximately fifty (50) company employees were victims of the offense.

The prosecution is the result of an investigation by the United States Department of Labor Office of Inspector General - Office of Labor Racketeering and Fraud Investigations and Employee Benefits Security Administration. The prosecution of the case is being handled by Assistant United States Attorney Hal Goldsmith.

